

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	No. 4:19-CR-260
	§	Judge Jordan
ESVIN FERNANDO MARROQUIN TUPAS	§	
a/k/a “KAKA RALA”	§	

ELEMENTS OF THE OFFENSE

The defendant is charged in Count One of the Indictment with a violation of 21 U.S.C. § 963, Conspiracy to Manufacture and Distribute Cocaine Intending, Knowing, and with Reasonable Cause to Believe that the Cocaine will be Unlawfully Imported into the United States. The essential elements which must be proven to establish the offense are as follows:

- First: That the defendant and one or more persons, in some way or manner made an agreement to commit the crime charged in the Indictment, that is, conspiracy to manufacture and distribute 5 kilograms or more of a cocaine intending, knowing, and with reasonable cause to believe that the Cocaine would be unlawfully imported into the United States.
- Second: That the defendant knew of the unlawful purpose of the agreement;
- Third: That the defendant joined in the agreement willfully, that is, with the intent to further its unlawful purpose;
- Fourth: That the overall scope of the conspiracy involved 5 kilograms or more of a distributable amount of a mixture or substance containing a detectable amount of cocaine that was intended known and with reasonable cause to believe would be unlawfully imported into the United States;

Fifth: That the defendant knew or reasonably should have known that the scope of the conspiracy involved 5 kilograms or more of a distributable amount of a mixture or substance containing a detectable amount of cocaine that was intended, known and with reasonable cause to believe would be unlawfully imported into the United States.

Respectfully submitted,

JAY R. COMBS
ACTING UNITED STATES ATTORNEY

/s/_____
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on defense counsel of record by means of the Court's CM/ECF system on August 18, 2025.

/s/_____
CHRISTOPHER T. RAPP
Assistant United States Attorney